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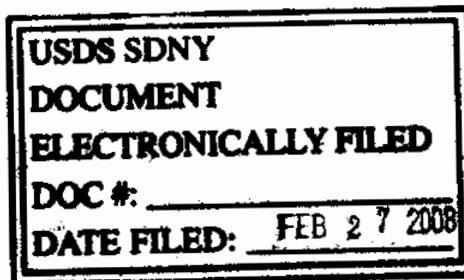
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February 26, 2008

Judge Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

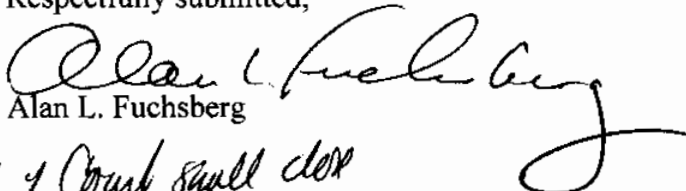
Re: Diamond et al v. American Bicycle Group LLC et al
Index No. 1:07 cv 8609

Dear Judge Crotty,

This letter is written in compliance with your Order of February 21, 2008, directing "plaintiff's counsel to communicate with the court, in writing, as to why plaintiff has failed to serve the summons and complaint within 120 days as prescribed by Rule 4(m) of the Federal Rules of Civil Procedure..." Please be advised that plaintiff has not served defendant in this action because defendant has retained other counsel who has elected to proceed with a state court action. I have been instructed to discontinue this federal action.

Accordingly, it is respectfully requested that pursuant to Rule 4(m) the court dismiss the action without prejudice against defendants. Please accept my apology for not notifying the court sooner.

Respectfully submitted,


Alan L. Fuchsberg

*The Clerk of Court shall dox
this.*

SO ORDERED: FEB 27 2008


HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

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